IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.938 OF 1994

Karmaveer Kakasaheb Wagh
S.S.K.Ltd, .. Petitioner.

Vs

Nanasaheb S.Gaikwad, .. Respondent

Mr R.M.Haridas, for the petitioner.

None for the respondent.

CORAM : D.B.BHOSALE,J.

DATE : 29.11.2005.

PC:

1. Heard the learned counsel for the petitioner. None appears for the respondent.

2. By the order impugned in the instant writ petition dated 14.2.1994 passed in Appeal No.197 of 1993, the petitioner-factory was restrained from obstructing the respondent from working as Agricultural Officer of the factory till the decision of the dispute by the trial Court. The learned counsel appearing for the petitioner is not in a position to state as to whether the dispute is still pending. This Court, while issuing rule, had granted interim order in terms of prayer clause (b) by which the execution and operation

of the impunged order dated 14.2.1994 came to be stayed. It appears that the interim order is still operating against the respondent. There was no stay to the further proceedings of the dispute. No efforts whatsoever were made by the respondent for getting the interim order vacated. There is no reason why the dispute should remain pending before the trial Court and it must have been disposed of by now, and even if it is not disposed of and is still pending, in my opinion, the following order shall meet the ends of justice.

(i) The trial Court shall decide the dispute bearing ABN Case No.404/93, if still pending, as expeditiously as possible, preferably within a period of six months from the date of receipt of this order.

(ii) The interim order passed by this Court in terms of prayer clause (b) on 2.3.1994 shall remain operative until the disposal of the said dispute by the trial Court.

(iii) The trial court shall decide the said dispute ,if not disposed of already, on merits in accordance with law and uninfluenced by the orders passed in this proceedings.

(iv) Rule is, accordingly, disposed of.

(D.B.Bhosale,J.)